IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WA.No. 169 of 2004()

AGAINST THE JUDGEMENT/ORDER IN WPC.26866/2003 Dated 14/01/2004
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APPELLANT: PETITIONERS
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1. THOMAS JOSEPH, HEAD OF THE DEPARTMENT OF ENGLISH, K.E.COLLEGE, MANNANAM, KOTTAYAM.

2. T.J.JOSE, HEAD OF THE DEPARTMENT OF ECONOMICS, K.E.COLLEGE, MANNANAM, KOTTAYAM.

3. J.L.RAJAN, LECTURER (SELECTION GRADE), DEPARTMENT OF CHEMISTRY, DO. DO.

4. J.MATHEW, HEAD OF THE DEPARTMENT OF MALAYALAM, DO. DO.

5. K.J.JOSE, LECTURER (SELECTION GRADE), DEPARTMENT OF ECONOMICS, DO. DO.

6. GEORGE SEBASTIAN M., LECTURER (SELECTION GRADE), DEPARTMENT OF COMMERCE, DO. DO.

7. TOMICHEN JOSEPH, LECTURER (SELECTION GRADE), DEPARTMENT OF COMMERCE, DO. DO.

8. WILFRES ABRAHAM, LECTURER (SENIOR SCALE), DEPARTMENT OF ENGLISH, DO. DO.

9. M.K.MATHEW, LECTURER, DEPARTMENT OF PAYCHOLOGY, DO. DO.

BY ADV. SRI.C.P.SUDHAKARA PRASAD
SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.NAVEEN.T

RESPONDENTS: RESPONDENTS
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1. STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETRY TO GOVERNMENT, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, KOTTAYAM.

4. MAHATMA GANDHI UNIVERSITY, REPRESENTED
BY ITS REGISTRAR, PRIYADARSHINI HILLS,
ATHIRAMPUZHA, KOTTAYAM.

5. MANAGER, KURIAKOSE ELIAS COLLEGE,
MANNANAM, KOTTAYAM.

6. REF.FR.K.J.JOSEPH, DRAWING AND
DISBURSING OFFICER, K.E.COLLEGE, MANNANAM,
KOTTAYAM.

BY ADV. SRI.BABY ISSAC ILLICKAL
V.K.MUHAMMED YOUSEFF (SC)
GOVERNMENT PLEADER
SRI.V.K.MUHAMMAD YOUSUF, SC, M.G.UTY.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, ALONG WITH WA NO. 225 OF 2004 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. Radhakrishnan & A.K. Basheer, JJ.

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W.A.Nos. 169 & 225 of 2004

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Dated this the 7th day of September, 2007.

J U D G M E N T

Radhakrishnan, J:

W.A.No.169/2004 arises from the judgment in W.P.No.26866/2003. W.A.No.225/2004 was preferred against the judgment in W.P.No.34202/2003, after obtaining leave from this Court by third parties. Writ Petitions were disposed of by a common judgment in January 2004. Learned single Judge dismissed W.P.No.26866/2003 and W.P.No.34202/2003 was allowed. The learned single Judge directed the Syndicate to consider the question of approval of appointment of Principal.

2. W.P.26866/2003 was preferred by few Lecturers of the college stating that the appointment of Principal has to be carried out in accordance with the regulations and the appointment of the 6th respondent as Principal was not in order. They have also raised a contention that respondents 1 to 5 should take necessary steps to put the seniormost teacher of the college to be in charge of the duties of Principal of the college, as mandated in Statute 21 of Chapter 23 of Mahatma Gandhi University Statutes.

3. The second prayer cannot be granted. The right of the management to appoint a qualified teacher as Principal of the college has been upheld by the Supreme court in **Secretary, Malankara Syrian Catholic College** v. **T.Jose & Ors.** ***(2007)1 SCC 386.*** Government have already passed an order in favour of the

petitioners in WP.26866/2003. Aggrieved by the said order, Manager has preferred WP.25465/07 which is pending consideration.

In the circumstances both the appeals have become infructuous. They are accordingly dismissed.

K.S.Radhakrishnan,
Judge.

A.K. Basheer
Judge.

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